

Message Text

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DRAFTED BY H:LPEZZULLO:EUR:IB:MDURKEE

APPROVED BY H:RJMCCLOSKEY

EUR:AAHARTMAN

EUR:WSTABLER

S/S:-O:PJOHNSON

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FM SECSTATE WASHDC

TO USDEL SECRETARY IMMEDIATE

S E C R E T STATE 232089 TOSEC 140035

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EXDIS

E.O. 11652: GDS

TAGS: PFOR, US, SP

SUBJECT: BRIEFING MEMORANDUM - YOUR MEETING WITH CORTINA

FOR THE SECRETARY FROM MCCLOSKEY, HARTMAN AND STABLER

1. SETTING

CORTINA WILL WANT TO INITIAL THE UMBRELLA AGREEMENT WHICH YOU HAVE DISCUSSED OVER THE PAST TWO MEETINGS. MCCLOSKEY, STABLER AND A NOTETAKER, ROBERT E. BARBOUR, EUR/WE, WILL ATTEND. MCCLOSKEY WILL HAND-CARRY OUR LATEST DRAFT OF THE UMBRELLA AGREEMENT AND THE PAPERS NOTED IN PARA 6.

2. ARTICLE V

ARTICLE V NOW INCLUDES THE PHRASE "CONSISTENT WITH THE DECLARATION OF PRINCIPLES" IN THE SECOND SENTENCE, RATHER

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THAN IN THE FIRST SENTENCE AS HE SUGGESTED AT ONE POINT.

YOU DECIDED THAT WE SHOULD HOLD THE LINE ON THE PRESENT
REFERENCE AND WE BELIEVE THAT CORTINA WILL ACCEPT THIS

OUTCOME, THOUGH ME MAY AGAIN ARGUE FOR HIS FORMULATION
"IN CONFORMITY WITH THE DECLARATION OF PRINCIPLES."
HOWEVER, WE SHOULD AGAIN MAKE CLEAR THAT IN THE COURSE OF
GAINING CONGRESSIONAL APPROVAL WE SHALL HAVE TO EXPLAIN
PUBLICLY (AND MORE THAN ONCE) THAT THE NEW ARRANGEMENT
WILL NOT REPRESENT A US COMMITMENT FOR THE DEFENSE OF
SPAIN, AND THAT THIS EXPLANATION IS LIKELY TO BE WIDELY
PUBLICISED. THE FOLLOWING TALKING POINTS MIGHT BE
APPROPRIATE:

-- OUR DRAFT ARTICLE V PROVIDES AN EXPLICIT REFERENCE
TO THE DECLARATION OF PRINCIPLES AND SHOULD BE
ACCEPTABLE TO BOTH SIDES.

-- AS WE HAVE DISCUSSED BEFORE I WILL HAVE TO EXPLAIN
OPENLY TO THE CONGRESS AND TO THE PUBLIC THAT
NOTHING IN THE NEW AGREEMENT REPRESENTS A US COM-
MITMENT TO DEFEND SPAIN.

3. ARTICLE VI

ARTICLE VI DIFFERS FROM WHAT HE IS SEEKING. HE PROPO-
SES THAT THE ARTICLE READS AS FOLLOWS:

"HAVING RECOGNIZED THE IMPORTANCE OF THE SPANISH
CONTRIBUTION TO THE DEFENSE OF THE WEST AND THE
BENEFITS WHICH ARE DERIVED FROM IT BY THE EUROPEAN
MEMBER COUNTRIES OF THE ATLANTIC ALLIANCE, AND IN
ORDER THAT THIS CONTRIBUTION OF THE USE OF THE
FACILITIES MENTIONED IN ARTICLE I MAY HAVE FULL
EFFECTIVENESS, THEIR APPROPRIATE REGULATION TO THIS
END BEING NECESSARY, THE TWO GOVERNMENTS AGREE TO
RECONSIDER PERIODICALLY THE EXTENT OF THAT USE IN
ORDER TO ADJUST IT TO THE LEVEL OF THE MUTUAL BENEFITS"

4. UNDER HIS FORMULA, THE USE OF OUR BASES WOULD BE
SUBJECT TO PERIODIC REVIEW ON THE BASIS OF THE ATTITUDES
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OF OUR ALLIANCE PARTNERS ON ANY NUMBER OF ISSUES AND WE
MIGHT BE LIABLE TO ADJUSTMENTS. THIS COULD CAUSE US
PROBLEMS IN THE FUTURE AND WOULD PROBABLY INSPIRE
CRITICAL COMMENTS FROM OTHER ALLIES. OUR LANGAUGE
CAPTURES A CERTAIN PART OF THE SUBSTANCE OF HIS THOUGHT
WITHOUT COMMITTING US TO THE PRECISE NATO CONNECTION
HE PROPOSED OR TO THE NECESSITY OF ADJUSTMENTS. WE
BELIEVE YOU CAN HOLD FIRM ON OUR LANGAUGE.

5. ARTICLE VIII

THE ONLY OTHER DIFFERENCE FROM THE CORTINA DRAFT IS IN ARTICLE VIII. HE WOULD HAVE THE WITHDRAWAL BEGIN IMMEDIATELY UPON TERMINATION OF THE AGREEMENT. YOU COULD ARGUE THAT THIS HAS CREATED THE CURRENT PROBLEM WE HAVE IN DEALING WITH THE ISSUE NOW AND THERE IS NO

REASON TO REPEAT THIS DIFFICULTY AT THE TERMINATION OF THE NEXT AGREEMENT. WITHDRAWAL HAS NEVER STARTED "IMMEDIATELY", YET VIOLATION OF SUCH A RIGID REQUIREMENT WOULD, LEGALLY, JEOPARDIZE THE OTHER RIGHTS THE ARTICLE PROVIDES.

6. CORTINA'S DRAFT EXCHANGE OF NOTES

CORTINA WILL ALSO EXPECT YOU TO RESPOND TO HIS DRAFT LETTER, WHICH HE PRESENTED AT YOUR FIRST MEETING IN NEW YORK. WE SUGGEST YOU RESPOND ALONG THE FOLLOWING LINES:

-- HIS LETTER WAS DRAWN UP IN CONJUNCTION WITH A MUCH SHORTER, LESS DETAILED UMBRELLA AGREEMENT.

-- SOME OF HIS POINTS ARE NOW REFLECTED IN OUR NEW DRAFT, FOR EXAMPLE, ARTICLES I, V, AND VI.

-- WITH RESPECT TO OUR USE OF FACILITIES AND THE MILITARY ASSISTANCE WE WOULD SEEK TO PROVIDE, YOU CAN GIVE HIM A BRIEF MEMORANDUM (MCCLOSKEY WILL HAVE COPIES) WHICH WOULD OUTLINE THE FRAMEWORK TO BE COMPLETED BY THE NEGOTIATORS (TAB 2).

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-- WITH RESPECT TO THE COMBINED DEFENSE STAFF, THIS BODY WOULD BE COVERED BY A SUPPLEMENTAL AGREEMENT. (MCCLOSKEY WILL HAVE COPIES OF OUR DRAFT) (TEXT AT TAB 3).

-- THEREFORE, SINCE ALL ITEMS NOTED IN HIS LETTER WILL BE COVERED IN EITHER THE UMBRELLA AGREEMENT OR SUPPLEMENTAL AGREEMENTS THERE IS NO NEED FOR

AN EXCHANGE OF NOTES ON THESE SUBJECTS.

7. FURTHER NEGOTIATIONS

WHILE CORTINA MAY NOT FEEL HE HAS MET ALL HIS PERSONAL

OBJECTIVES IN NEGOTIATING DIRECTLY WITH YOU, WE BELIEVE HE CAN ACCEPT A RETURN TO NEGOTIATIONS AT THE EARLIER LEVEL. IN THE INTEREST OF KEEPING THINGS MOVING WHILE ALSO ALLOWING A CERTAIN TIME TO ELAPSE AFTER THE UPROAR OVER THE EXECUTIONS, WE BELIEVE WE SHOULD WORK TOWARD CONCLUDING THE PACKAGE IN SIX-EIGHT WEEKS. YOU MIGHT SUGGEST THAT:

-- WE SHALL NEED TO COMPLETE OUR WORK BY DRAWING UP THE NECESSARY SUPPLEMENTAL AGREEMENTS AND ANNEXES.

-- YOU ARE PREPARED TO SEND MCCLOSKEY TO MADRID IN ABOUT TWO WEEKS WITH OUR DRAFTS AND THE NEGOTIATORS SHOULD SEEK TO FINISH WITHIN TWO MONTHS.

8. MCCLOSKEY AND STABLER WOULD LIKE A FEW MINUTES ALONE WITH YOU BEFORE CORTINA ARRIVES.

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